

AMENDED IN ASSEMBLY JANUARY 13, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 546**

**Introduced by Assembly Member Garcia**  
**(Principal coauthor: Assembly Member Vargas)**  
**(Coauthors: Assembly Members Shirley Horton and Maze)**

February 16, 2005

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An act to add Section 8314.5 to the Government Code, relating to state computers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 546, as amended, Garcia. State computers: prohibited use: obscene matter.

Existing law makes it unlawful and subject to a civil penalty for any elected state or local officer, appointee, employee, or consultant to use or permit others to use public resources for personal or other purposes that are not authorized by law. Existing law also provides that the incidental and minimal use of public resources is not subject to criminal prosecution.

This bill, in furtherance of existing law, would make it unlawful for any person to use a state-owned or ~~state-leased~~ *state-leased* computer to access, view, download, or otherwise obtain obscene matter, as defined, except for ~~use consistent with legitimate law enforcement or legislative~~ *specified* purposes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8314.5 is added to the Government Code, to read:

8314.5. (a) In furtherance of Section 8314 and except as provided in subdivision (b), it shall be unlawful for any person to use a state-owned or state-leased computer to access, view, download, or otherwise obtain obscene matter.

(b) This section does not apply to accessing, viewing, downloading, or otherwise obtaining obscene matter for use consistent with legitimate law enforcement purposes, ~~including research and investigation~~ *to permit a state agency to conduct an administrative disciplinary investigation, or to permit medical, scientific, or academic research approved by a state agency, or for legitimate legislative purposes.*

(c) “Obscene matter” as used in this section has the meaning specified in Section 311 of the Penal Code.

(d) “State-owned or state-leased computer” means a computer owned or leased by one of the following:

(1) A state agency, as defined by Section 11000, including the California State University.

(2) The University of California.

(3) *The Legislature.*

(e) This section shall not apply to the University of California unless and until the Regents of the University of California act, by resolution, to make it applicable.